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By electronic mail and facsimile; confirmed by hand delivery on August 15, 2001

August 14, 2001

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station
Boston, MA 02110

RE: Blackstone Gas Company, DTE 01-50

Dear Ms. Cottrell:

By this letter, the Utility Workers Union of America ("UWUA") offers comments on the Blackstone Gas Company ("Blackstone") request for a waiver of certain requirements issued by the Department in DTE 99-84, the quality of service proceeding. See August 8, 2001 Memorandum in DTE 01-50.

By letter dated July 30, 2001, Blackstone requests several waivers, as follows: (1) that it not be required to comply with the "Customer Service and Billing Performance measures until it has acquired three years of data;" (2) that it be granted "an exemption from the 20-second telephone answering requirement until three calendar years after it installs a telephone system capable of recording the required information;"¹ (3) that it not be required to comply with the "Lost Work-Time Accident Rate measure."

¹ While asking for a waiver until it installs a recording telephone system, Blackstone also states that it "has no present intention to install a new phone system," due to the cost.

UWUA believes that Blackstone's request is too broad. In particular, there is no reason why Blackstone cannot comply with a Lost Work-Time Accident Rate measure ("LWTAR") scaled to the size of the company. LWTAR is defined as the "Incidence Rate of Lost-Work Time Injuries and Illnesses per 200,000 Employee Hours," as those capitalized terms are further defined by the U.S. Department of Labor. DTE 99-84 (June 29, 2001), Attachment A, at 3. The denominator of the measure, 200,000 employee hours, approximates the number of hours worked annually by 100 employees. Blackstone points out that it would take ten years or more for its ten or so employees to work that many hours. Rather than being granted the requested waiver, however, Blackstone should be required to report its LWTAR per 2,000 employee hours worked. This is a simple solution that will allow Blackstone to carry out the legislature's intent in adopting G.L. c. 164, §1E and the Department's intent in its orders in DTE 99-84.

Blackstone also seeks what is effectively a permanent waiver of the "20-second telephone answering requirement"² because it admits that it does not intend to install a telephone system capable of recording answering times. UWUA does not suggest that Blackstone should install a new telephone system if the costs far outweigh any potential benefits, although Blackstone has not offered any evidence of either the costs or benefits. But Blackstone should not be completely exempted from the statutory requirement of demonstrating that its telephone service is not declining. G.L. c. 164, §1E (. . . "service quality standards [for] each . . . gas company . . . including, but not limited to . . . telephone service"). Blackstone bears the burden of proposing some method, other than through recording telephone equipment, that will demonstrate that it handles calls promptly both in an absolute sense and relative to its performance in prior years. The fact that one particular technology is expensive is not a sufficient basis for being entirely exempted from any telephone service performance measure. UWUA urges the Department to require Blackstone to develop a feasible alternative, whether an automated or manual system. Given that Blackstone only has two phone lines (see July 30 letter request), it should be possible to develop such an alternative.

Similarly, UWUA does not believe that Blackstone should be granted a blanket exemption from all of the other Customer Service and Billing Performance Measures. DTE 99-84 (June 29, 2001), Attachment 1, at 5. For example, Blackstone has not shown in its July 30 letter filing that it has not historically collected any data on keeping scheduled service appointments or reading meters on time. It also seems unlikely that Blackstone has no historic data on consumer division cases or billing adjustments. To the extent the company has information in these areas, the Department should require Blackstone to develop benchmarks and implement the performance measures well before it has collected three more years of data. While being a small company limits Blackstone's ability to install, for example, expensive telephone systems, its size also makes it possible to collect some of the required

² See DTE 99-84 (June 29, 2001), Attachment A, at 5 for the actual performance measure.

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information manually.³

Finally, to the extent that the Department grants Blackstone any waivers, it should explicitly rule that Blackstone's small size (1,031 customers) is the primary basis for granting a waiver. Otherwise, the Department will be opening the floodgates to a wave of future requests from much larger companies.

UWUA thanks the Department for this opportunity to comment.

Sincerely,

Charles Harak
Counsel for UWUA⁴

cc: Jody Stiefel, DTE
Caroline O'Brien, Esq., DTE
George Yiankos, DTE
Andrew Newman, Esq.

³ For example, Blackstone must have a very small number of consumer division cases and bill adjustments in any year.

⁴ **NOTE: As of 9/4/2001, my address will be: 77 Summer Street, Boston, MA 02110.**